

12
P 976
O E M
ON — *Albaniensis*
THE TEST

Dedicated
TO HIS ROYAL HIGHNESS
The Duke of ALBANIE.

Principis est virtus maxima nosse suos. Mart.



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TO HIS ROYAL HIGHNES
The Duke of ALBANIE.

Admitt Great Sir, (*in earnest or in sport*)
A trembling Stranger to your Princely Court:
Since ye for Meekness are the ages wonder
In time of Peace; in time of Warr a Thunder.
Its He who glories that he first did frame
True-Majesty, JAMES STEWARTS Anagram;
Which for your Anagram shall ever pass,
As wanting the dull omen of the as.
So Heaven from malice guard the Royal Throne,
As ye protect your

NINIAN PATERSON.



THE TEST.

*A Poem presented to His Royal Highness: wherein
is conclusively asserted the Kings Prerogative
Royal, and Jurisdiction in Maters
Ecclesiastical, with the unlawfulness
of resistance.*

I.



Egon heart cutting cares, I scorn to be
Unfortunate, spite of adversitie.
I he who all my life was bruif'd and
broke,
On Fortunes wheel being rack'd
from spoke to spoke;
Born under unpropitious Starrs,
which throwes,
As I grow old, new loads of grow-
ing woes:

Now these misfortunes, which did me annoy
Are swalowed up in ane excessive joy.
I surfeit with delights! can Hell present,
What after this, I darr call discontent?
Nay now its a puz'ling doubt, whither I be

(2)

Compos'd of Joy, or Joy compos'd of me.
What unexpected Treasure makes thee blest,
If any ask? I answer, it's the *Test*:
Which if well understood, for plentie, peace;
Scotland might write *Nil ultra*, to her Bliss.
The *Test* a store, wherewith enricht, the *West*
Needs not envy the bowels of the *East*.
By this the drowsie Sword shall snorting ly,
And JANUS of his gate shall lose the key.
And we in shade of heavenly peaces wing
Shall serve our GOD, and dearly love our *King*.

2.

GOD Bliss your Royal Highness, but I vow,
Never so *Royal*, nor so *high* till now.
No, when thy head being girt with verdant bayes,
And every one sang *Jo* to thy praise;
Laden with Spoiles, and honours thou advanc't,
While victorie upon thy ensignes danc't.
Care of *Religion* is the glorious Gemm,
That Crowns the *Crown*, exaltes the DIADEM;
And makes your *Highness*, highlie, *Royal*, since
The Prince of virtues most becomes a *Prince*.
Vile Ink a common tetter may command,
But the *Kings evill* requires a *Royal* hand:
So all the Godly *Jewish* Kings of old
By such a *Test* from dross did purge their Gold.
This is like JEHU'S *Test*: to try withall,
Who is for GOD, or who adhears to *Baal*.
Constantius Syre to *Constantin* the best
Did purge his Court by such ane other *Test*.
It's this the *Spanish* annals do imput

As

As a chief Honour to their *Sisibut*.

French D A G O B E R T did eternize the storie,
And *Legend* of his life, by such a glorie.

This *Test* will expiate our enormous crimes
Committed in our bloody Rebel-times.

This *Unions Trophie* will for ever blot
The Leprous scandal of a rebell-Scot;

And make the Worlds *Amphitheater* see,
A *Scot* and *Loyal* are *Identitie*:

And make our bright renown to spread as farr,
As is the *Artick* from th' *Antartick* Starr.

Lucretia's chastitie no fame had gain'd,
Had she not with that loathsome rapt been stain'd.

Lucrece the glory of her Sex! O rare,
Who did her honour to her life preferr!

Mirror of Matrons, who did death indure
Rather then (tho by force) be thought a whoore.

The *Test's* the *touchstone*, *badge* and *livery*
And *Cognizance* of faithful Loyalty.

It is the *fan* will purge this foultrie Isle,
And separat the precious from the vile.

And this will bind us to true Libertie,
Like Sones and Daughters of one Familie;

And Servants of one Lord. this bond of Peace
Will artes and plentie, and our Joyes increase.

Nay it will here Commence the Joys above,
Make us all happie, and each other love:

Make us amongst our selves Compose all Jarrs,
And on the common foe discharge our Warrs.

III.

Our Kirks the Sacred *Argo*, *Noahs* Boat
 Can ride in tempests and keep still a float;
 And this true Gospel *Test*, it is her yard,
 Her Sail, her Compaſs, Cable, and her Card.
 That no tempeſtous Cataracts can fall
 Upon theſe lands ſhall boaſt their Funeral.
 This TEST will waird of all rude laick hands
 From *Kirk* or *King*, GODS beauty and bands:
 That ſo our LORD he never may complain
 Betwixt two Thieves he's Crucified again.
 This is the *Iſthmus* that our Kirk will ſave
 Betwixt the *Egean* and the *Ionian* wave.
 Touch ye not my anointed, and moleſt
 No more my *Sacred Prophets*; that's the TEST.
 By this the Clergie is ſecured now,
 In ancient reverence and revenue.
 One faith, one Lord, one Baptiſme now ſhall be;
 Farewell *Geneva*, *Rome* farewell to thee,
 Fare well on one hand, bloody Catholick Leagues,
 And on the other, wild *Geneva* gigg's:
 For after this will never honeſt man,
 Or turn a Papiſt, or a Puritan.
 Burſt envy, burſt, for now its be thy task,
 To ſee reiſplendent truth without a Maſk.

IV.

And yet ſome Owles cannot abide this Sun,
 They ſcorn not to defend, what they have done:
 And on this TEST they do more dumpiſh look,
 Then *English* Panals that's denyed their Book.

And

And this doeth cheifly their blind conscience grudge,
 To make the *King* in all Church maters Judge;
 Although Saint *Paul* this solemn rule did make,
 We must be Subject all for conscience sake.
 It's ignorance, or else audacious nonsense,
 That Princes hes no power of Subjects conscience:
 For, as Religion makes us calme and mild;
 So Superstition, Frantick mad and wild.
 And if such rise in Armes upon pretence
 Of a convulsion in their conscience;
 If that the King may not controul their doing,
 He and his Subjects both involv'd in ruine:
 And on the other hand, if that he may
 Then of their conscience sure he bears the sway.
 Or all things sacred, and all things that's civill
 Shall be o're thrown by every furious Devil.
 If they can make a shift for to baptize
 Their furie Zeal, they may do what they please:
 So each Opinion makes a Sect from hence,
 And every *Sect* a faction doeth commence,
 And every *Faction* for a warr will boad,
 And every *Warr* will be the cause of G O D,
 And every *Cause* of G O D will grow so high
 To out-face, and trample on Authority;
 So while by hairbrain'd follie wee'r beguil'd,
 Religion is debauch'd and peace exil'd.
 These were the giddie methods, which of late
 Confounded and destroyed both Church and State;
 And all that these *Fanaticks* now desire,
 Is but the smook of that unquenched fire.
 All they contend and fight for, is to bring

Them-

(6)

Themselves or equal, or above the King.
But grant ane other power as great as he,
Then likeways grant that two Supreams may be;
And so the People may obliedged stand
Unto a contradictorie command,
Exemplified we saw this wry nos'd quirk,
In late King *James* and his opprobrious Kirk:
Therefore ther's no controlling of the Powers,
Or each Supream will have Superiours.

V.

First œconomick was the Government,
And from a familie drew its descent;
Which families amplification
Became a City, Province, Nation:
And from his Loyns, Because the race did spring,
The Father of the Familie was King,
And Priest too, in one Person, which at death
Joyn'tlie to his first borne he did bequeath.
So for two thousand years the World did see,
The Priest-hood joyn'd with Sovereignty.
So, *Numa*, so, *Augustus* King and Priest,
So, all the Kings of *Malabar*, in th' East:
Which tho, that God among the Jews divided,
Yet were all causes by their Kings decided,
Which did concerne the Church not State alone,
By *Ezekia*, *David*, *Solomon*,
Jehu, *Jehosophat*, *Josia* holy,
Whose power in Church was Legislative whollie.
To shew that this belongs in each respect
Unto the ancient *Mishpat-Hamelek*.
Mehibsedek expresly is nam'd King,

Be

(7)

Before he is cal'd Priest; which very thing
The *Gallicks* against *Boniface* do show,
His Crown he to the Priest-hood did not owe.
Moses, King in *Iesurum* too, their type
The Trumpets, and the Tables both did keep:
And what to him pertain'd G O D doeth allowe
To every other Monarch as his due.
This argument *Eusebius* doeth repeat
From *Moses* unto *Constantin* the great,
As consequent, about the convocation
Of the *Nice* Council, and its Confirmation.
The Law of Ceremonies as behests,
Moses, not *Aaron*, gave unto the Priests
Long after that; to shew it was in force,
David did constitute each Priest in's course;
And *Solomon*, that was both wise and just,
Did *Abiathar* from the Priest-hood thrust.
This pow'r continued, till the *Virgins* birth,
When G O D was seen in flesh upon the Earth;
Of which authority he nee'r bereft it:
But as he found the Government he left it.
And so the Ecclesiastick Jurisdiction
Of Princes is by nature, not by fiction,
Founded on reason, practice, and consent,
Unalterable, as the Firmament;
And this our *Saviour* did suppose to be
Ane uncontrollable, and firme decree:
Wherefore *St. Paul* to *Cæsar* makes appeal,
To shew this Jurisdiction cannot faile.
Thus Kings doe reign as Scriptures doe confess,
As for our *Honestie*, so *Godliness*.

B

If it be said why did our Saviour
 Bequeath not by his testament such a power?
 Our Saviour lived under these ye know,
 That did imploy their power to overthrow,
 His Church and followers, and therefore, why
 Should he give them Commission to destroy?
 He only to the subject did injoyn
 Meekness and Patience and Subjection:
 But in no-ways, either in weight or measure
 Determines he the rights belong to *Cæsar*;
 Only according to *Ius Gentium*,
 Render to *Cæsar*, what is due to him.
 The Jurisdiction of the Magistrate
 In Church affaires, bears a far higher date
 Then our blist *Saviours* birth. Coercive power
 By nature lodgeth in the Governour.
 Yea Christ and his Apostles acted then
 In the Capacitie of private men;
 And left it only in the *Soveraignes* hand
 (Which he forbad all subjects) to command:
 And therefore at his very dying hour,
 He did reject all Secularie power.
 But when the *Kings* grew *Christian*, *Constantine*,
 Did act in that capacitie again;
 Which he with faith and Courage too did shew,
 When he the Coventickles overthrew
 Of the Curst *Donatists*, and stoutly he
 Dispell'd the mists of *Arian* heresie.
 Nor was he singular in these, each one
 Of his Successors that same way have gone:
 The whole bodie of the civil Lawes

Do shew anent th' Ecclesiastick cause.
 And should a *Monarch*, (would ye think it meet)
 When he turns *Christian*, his power abate?
 Nay word by word, the Apostle he avers,
 Our *Kings* as *Kings*, *Liturgick* Officers.
 Prince of the Kings of th' Earth, our *Saviour* is:
 Then sure by right all *Christian Kings* are his;
 This was in force until *St. Peters* chaire
 Did sleily rob this power from the Empire.
 But at the Reformation we exprest it,
 In our Confessions the *Pope* unjustly wrest it;
 And yet there is a Spiritual exercise
 Of preaching, Sacraments, and of the Keys,
 Which is peculiar to the Priest alone:
Saul that did this mistake, he lost his throne;
 All which who darr deny, he needs no more
 Of arguments, But O what hellebore?

V I.

May not Heretical, *Erronious*,
 Oppressing Princes and Idolatrous
 Resisted be? or otherwayes Religion
 Shall go to wrack, and all shall be undone.
 Yes; if for wiser men ye needs must pass
 Then *Moses*, (or th' inspired *Prophets*) was:
 Or if your selves more holy men ye call
 Then *Christ*, or yet *St. Peter*, or *St. Paul*.
 Six hundred thousand, and four thousand more
 Under their Chiftain *Moses*, weapons bore.
 All men of valour on *Nil's* fertile plains,
 Whose Inundation serves in stead of raines;
 Yet nothing's done without expresse consent

Of *Pharoah*, then who had the Government,
 Tho tyrant and oppressor both. And so
Shadrach, and *Mesach* and *Abednego*
 Were thrown in flammes, yet not a word we hear
 Of stirring people to take sword or speir.
 And *Daniel* cast into the Lyons den,
 Yet praying for the King *Darius* then.
 Yea with a miracles expence Our LORD
 Did tribut to *Tiberius* afford.
 To *Herod*, *Pilat*, and the *Sanhedrim*
 He did submit, although they sentenc't him,
 Unto ane unjust, and accursed death.
 His Doctrine too did meek submission breath,
 Give unto *Cæsar*, what is *Cæsars* due,
 And pray for those hes persecuted you.
 And *Pilats* power he from above confest,
 And Challeng'd *Peter* for his furious haft,
 Charging his Champion with that dreadful word,
Who takes the Sword, shall Perish with the Sword.
 And for the Apostles, none amongst them all
 Taught to resist; St. *Peter*, or St. *Paul*.
 St. *Peter* sayes directly contrare it,
To every ordinance of man submit.
These that dispise dominion, or defame
Authority; Iudgement will follow them.
 And good St. *Paul*, obey them that you rule,
 For Conscience sake be Subject every Soul.
Resisters on themselves Damnation bring.
 Ane Item sad to Traitors to the King.
 This Doctrine with their blood they sealing Died;
Paul was beheaded, *Peter* Crucified.

John 19: 14.

(11)

In *Julian* the vile Apostats reign
The Christians only tears for armes did bring.
They were not able to resist they'l say.
Tertullian, tells in his Apologie,
The *Christians* then, they were in number more
Then drops of raine or sands upon the Shore:
Cities and Countreys both, they fill in swarmes,
They every where abound in peace and armes;
Yet they Submission unto armes preferr,
Under a Tyrant and Idolater.
Six thousand and six hundred sixty six
In the *Thebean* Legion, never sticks
For to submit to Decimation,
Of *Maximinian* for Religion.
Then, Traitors is't a sport to you or laughter,
First to be hanged here, then damn'd hereafter.

VII.

Courage Great *Prince*, and make rogues stand in awe,
It's Execution that's the Life of Law;
Wherefore hes truth it self call'd *Princes* GODS?
But that they'r Masters of rewards and rods,
But that they can with Majesty command,
Or break in pieces who doe them withstand.
Princes do shew how they deserve their Crowns
By gracious favours, or by aw-full frownes.
Courage and Wisdom both a Prince maintaines.
Undaunton'd valour must have breast and braines.
Your Highness still makes good your *Saviours* words;
These that are mighty, are call'd bounteous Lords.
Patern of vertues *Patron* of all artes,
Who conquer'd Armies, now thou Conquers hearts:

It will deserve what Noblie is begun
Immortal fame and admiration.

Damn'd *Donatists*, it was their *Tessera*,
Quid Imperatori cum Ecclesiâ.

And if our *Donatists* that same should plead,
Shew them, Great *Constantin* yet is not dead,
And make our tottering Church now steddly stand
With *Papist* there, *Fanatick* on this hand,
The Reprobats of Loyalty and Grace,
The *Schilla* and *Charibdis* of our Peace.
Exile them *Sir*, and let it be their doom
To be confin'd to *Germany* and *Rome*.

Theudas, or *Iudas*, if they rise in Armes,
Disperse them, *Sir*, and keep us from their harmes;
And make both Hills and Bridges exil'd be,
The confines of this ages memorie.

Make blinded *Tobits* too Apocriphal,
And banish them that do not know at all
Mens flesh by bread, nor yet what's in the cup,
Its dangerous with them to dine or sup:
For if their hand mistake or varie, then
They'r *Polyphemus*, we *Ulysses* men.

And when we are devoured, they will swear
They saw us not, but we did *meat* appear.
When we whom *Neptune's* Trident did divide,
And set a part from all the World beside,
Have by thy arts this Glorious Garland won,
In faith and *Love* united *Albion*;

Then on the head of thy triumphant *Teff*,
Th' Eternal conquest of all trouble rest:
For it will teach (as G O D doeth) every Soul;

What

(13)

What Kings commands, no Subjects may controul,
And in all after ages Christ'ned be
Ane *Altar* rais'd to Eternal Loyalty.

*Carmina proveniunt animo deducta Sereno,
Me, mare, me venti, me fera jactat hyems*

Verfes run low and dead when men are Crost,
I am with Seas, and Windes, and Tempests tost.

A N N O T A T I O N S

On the preceeding

P O E M.

C A P. I.

Of the name and nature of the Test, and the elegant allusions made thereto, in the Scriptures and other Authors.



Aving observed in *Goldmans English Dictionarie* the word *Test*, rendered *fornax ad probandum aurum*, I presently conjectured, it was some Instrument belonging to a Gold-smith, whereupon I addressed my self to *James Cockburn*, a Person of great integrity, Judgement, and more then Ordinary both ingenuity and ingine in his calling, who both shewed me the *Test* and taught me the use of it. It is made up of the ashes of calvined Bones, with an Iron Houpp into which the ashes are knead, and it put into the fire,

fire, the Metall is layd on it to be tryed : what is Lead sinkes into the Test, what is Brasse or Tinne evaporats with the impetuous violence and force of the fire, while the Metall that remains on the Test, is both purged and perfited; so that the use of the Test is threefold, 1. to try and search into the nature of the Metall to discern betwixt the Counterfit and the currant. And so secondly, to separat the precious from the Vile. 3. To consume that which is naughty, the base dregs and drosse. Accordingly *probo* in the Latine hes thes 3. significations, *probat qui tentat, probat qui approbat, probat qui demonstrat argumentis*. And in a sense that comes more home to our purpose, to discover and manifest the nature of a thing, as that in *Ovid. Exitus acta probat*, and in that Chymicall sense peculiar to the Test, I find the word *dokimazo* is taken in the Scriptures 1 Pet. 1:7. *Gold tryed in the fire*.

From all which by an excellent Metaphor, it is translated to be *verbum forense & Iuridicum*, a Law term signifying that Tryal, whereby Magistrates examine offenders, and particularly we find it applyed to the Tryall of Ministers, 1 Tim. 3:10. Let them first be proved, *quos examine praevis constat esse idoneos*, say'th Calvin on the place, or more excellently *Hincmarus* the Bishop of Rheims, *Probentur primum, nam qui loco docti indoctum ordinat, facit Magistrum qui debet esse Discipulus, & offert caecum Animal*. So we read of Gods Test, 1 Theff. 2:4. God that trieth the Hearts Ier. 16:10. Act. 1:24. and of mans Test, 1 Theff. 5:21. prove all things, hold fast that which is good. By man himself 2 Cor. 13:5. or others 2 Cor. 8:8.

2. This Instrument by the Greekes is called *Kaminos* from *Kadio* whence we have our word chimney. And its ordinarily rendred *fornax*, which by *Martinius* in his learned *Lexicon Etymologicum* is thus described, *Usurpatur sayes he, pro loco cavo ferreis laminis concluso, Fit etiam ex lateribus aut Testis*. From which no doubt our word Test is derived. So the fining potes spoken of by Solomon, Prov. 17:3. and 27:21. being made of Earthen Vessels, which properly are called *Testae*, to which the Psalmist alludes 12. Psal. 6. Silver-tryed in a furnace of Earth. Thus *Juvenal Sat. 3. Lin. 270. Testis sublimibus, unde cerebrum testa ferit*; on which *Britannicus* notes appellatione *Testae intelligimus omnia fragmenta vasorum fictilium, ut sunt seriae, urceoli, urnae, tegulae & id genus, & ipsa etiam vasa integra, ut illud, pistaque incumbere Testae*, which he cites from *Sat. 15*. whence by a very proper and unstrained Metaphor, it signifies that Instrument, whereby faith and manners are tryed, to which *Cicero* elegantly alludes, *Epist. Fam. Lib. 9. Epist. 15. Nam etsi non facile dijudicatur amor verus & fictus nisi aliquod indicat ejusmodi tempus, ut quasi aurum igni, sic benevolentia fidelis periculo aliquo perspici possit. Periculo, id est, discrimine, non experimento*, as *Bernardinus Rutilius* there observes. So *Ovid. Trist. Lib. 1. Eleg. 4.*

*Scilicet ut fulvum spectatur in ignibus aurum,
Tempore sic duro est inspicienda fides.*

Inspicienda not *experienda*, as some Copies hes it: for it is both better Latine, and more elegantly relateto *spectatur*.

As force of Fire the Yellow Gold doth trie,
So faith is known best by adversitie.

And

And *Isocrates ad Demonium*, *too men gár chryson en to puri dokimazetai*, the Scripture also in the same fence uses the word, *Zach. 13: 9.* I will refine them as Silver, and try them as Gold, which there is the proper word, used for the tryall of the Test. And by the Septuagint translated, *hos dokimazetai to chryson.*

To all which if we add, that the proper Hebrew word for the Test is *Cheres*, having great affinity with the word *sheard* in our language, & that both in sound & signification, it will yet give greater light to the explication of the word Test. For that same word *Iob 2: 7.* Is translated a Pot-sheard, and explained by interpreters *Testa ex argilla facta*, and *fitile igne coctum.* Buxtorf in his *Lexicon*, calls it simply *Testa.* And this is the more to be remarked, for where ever we have in our translation a *Pot-sheard*, it is still in the Latine *Testa*, as *Iob 2: 8.* The *Vulgar* hes it, *Testa saniem radebat.* Iunius and Tremellius, *adeo ut assumeret sibi Testam ad scabendum se ea.* *Psal. 22: 16.* Iunius hes it, *arescit ut Testa vis mea: aruit tanquam Testa virtus mea*, the *Vulgar.* So Metaphorically *Isa. 45: 9.* *Prov. 26: 23.* and particularly considerable is that in *Isa. 30: 14.* called the Potters Vessel. The use whereof is said there to carry fire. As also to purge Metalls. As will yet more clearly appear from that allusion, God makes to it in *Ezech. 22.* from 18 to 23. where he sayes he will melt them and purge them from their Brasse, Tinne, Iron and Lead, and as Silver is melted in the midst of the Furnace, so should God melt them by affliction: The old Scholiast his discant thereon is very pleasant, thou which before was pure Silver, resplendent with Religion and shining with vertue, is now degenerated into the Brasse of malice, and Stubborne obstinacy: into the Tinne of Hipocriticall and dissembled piety; the Iron of Tyranny, and the Lead of avarice, He sett my furnace in the midst of *Ierusalem*, where I shall make the *Chaldeans* the coalls and wood, my power and wrath the bellows, Pestilence, famine and warr shall be the fire wherewith I will consume my obstinat adversaries, and expiat and purge my friends; where we have the very manner of the operation of the Test clearly set down. Which kind of Tests to have been in *Solomons* dayes may be proved from *Prov. 25: 4.* And above 150 yeares since, the Test and its operation, in *separando omnem materiam alienam vi ignis ab auro & argento*, is excellently described by *Matheolus Medicus Senensis* in his commentaries on *Dioscorides Lib. 5. Cap. 58.*

Now there are three wayes to try Metalls, the Ballance, the Touch-stone, and the Test, to shew its weight, its worth and its purity: To all which we see an excellent Spiritual allusion made by *David*, *Psal. 26: 2.* Examine me, that is by the Ballance; prove me, that is by the Touch-stone; try me that is by the Test, vide *Burges* spiritual refinings, pag. 87.

And these three several words point furth also the degrees, reality, and soundnesse of grace. And indeed the word *trie me*, is appropriat to the Test. Try me tho it were by fire. Therefore the *Vulgar* hes it, *ure renes meos, & cor meum.* Upon which words *Didymus Alexandrinus*; *Ierom's* Master (tho from his youthhood blind) hes an excellent commentarie, as on many other Scriptures. For whereas the *Chaldee* hes it *perpurga*, and *Hieronymus*, *Consta*, *Didymus* in his notes conjoyneth them. *Sicut aurifex igne explorat aurum, sic tu Domine cor & mentem, & renes, i. e., inimos affectus meos constando & perpurgando explora, si tibi visum fuerit,*

etiam per ignem tentationis, & tribulationis. When in our language by a very significant Proverb, we say of a Person or thing that is well approved, that is reall and upright; That it has past the *Test*: whereas on the contrary a thing or Person that cannot abide the *Test*, is called reprobate or adulterate; as money abused with base mixtures, *Ier. 6: 30.* Is called reprobate Silver. The Prophet gives this reason of it, *vers. 28, 29.* They were but Brasse and Lead, that did consume, and could not abide the *Test*. So *Aristotle* in his *Oeconomicks*, *adokimon epoiese nomisma.* And his commentator there turns it, *ab usu remotum.* That is, un-usefull for Trade.

And as to Persons we find the word taken in that same sence in the New Testament *1 Cor. 9: 27.* Left I myself should be a cast-away. The *Vulgar* hes it, *Ne reprobus efficiar.* Certainly it doeth not there signifie reprobate as opposite to elect, as *A lapide* seemes to insinuate, as if *Saint Paul* had no assurance of his election, (as *Tirinus* on the place seems to intimate out of *Gregorie*) for that were contrary to many expresse Scriptures manifesting, that *Saint Paul* both was elected, and also by an immediate voice from Heaven, knew himself to be so. Therefore some referre that word rather to the Ministrie then the Person of *Saint Paul*, lest his Ministrie should be rejected as unsound, and not able to passe the *Test*, So *2 Cor. 13: 5.* The word is taken *ne pas* receivable as the *French* hes it. Tho both *Beza* and our translators following him, have some what scrupulously turned the word *Rejectione*, *Ut periculosam homonymiam vitarem*, sayes he.

But lastly observe, the *Test* may be made of any Beasts bones but the Swine, because it can admit of no unclean Beast, *Respuit immundum regia Testa Animal.* And so *Testam habemus etiam cum pulvisculo.* Vide *Erasmi adagia sub titulo, totum ut nihil reliqui.*

And Janus of his gate shall lose the key.

C A P. II.

Of Janus and his Temple.

JANUS was one of the most ancient Kings of *Italy*, Reckoned amongst the *aborigines*, about the thirtieth hundred yeare before the Birth of our Saviour, he first taught Husbandry and coining of money; and because of his wisdom he was reported to know things past and to come: therefore they pictured him with two faces. And after his death being made a God, *Numa* built him a Temple, which in the time of peace he appointed to be shut, and left open in the time of warr. Whence *Janus* was called *Patulus*, and *Clusus*. Or rather as *Ovid* hes it, *Patulus* and *Clusus*: As *Lib. 1. Fastorum.* He brings him in thus.

Nomina

*Nomina ridebis, modo namque Patulsius idem
Et modo Sacrificio Clusius ore vocor.*

Of which *Virgil* according to his lofty manner, *sunt gemina Belli portæ, Religione Sacra & sævi formidine Martis.* And a little after, *nec custos absistit limine Janus.*

*Has ubi certa sedet patribus sententia pugnae,
Insignis referat stridentia limina consul.*

Macrobius gives this reason of it, when *Romulus* was fighting against the *Sabines*, there was a great eruption of Hot-water in that same place where now *Ianus* Temple stands, whereby the *Sabins* were confounded and put to the flight. The expectation of the like aid makes them ever since in the time of warr, to leave the door of the Temple open. Others say they leave it open, because they hope to come back and give thanks for the Victorie. And from the raigne of *Numa*, it was but thrice closed even to the times of *Augustus*. First by *Numa*, then by *Manlius Torquatus* the Consul, after the first Punick war. Lastly by *Augustus* himself, *post confectum bellum actiacum*; about which time it is conjectured our Saviour was born. All which times are pertinently discribed by *Stadius* his *Commentaries* on *Florus Cap. ult. Sect. 35.* *Goropius Becanus* in his Book he calls *Cronia*, thinks he was *Iaphet*: Whom our Countrey-man *Mr. Baily* in the first Book of his *Chronologie* pag. 4. has demonstrated from *Gen. 10: 21.* (against the *Vulgar* translation) to have been the eldest Son of *Noah*. *Quintus Fabius Pictor*, in his Book *de Aureo Saculo* Printed in the year 1530. tells, he was the first that ever taught the *Italians* the use of Wine, and the nature of Sacrifices: and did first erect Altars to the honour of God. *Fuit Ianus* (sayes he) *Sacerdos & vir Religiosus, Doctus Theologus & Philosophus.* *Avenarius* (whom *Fuller* in his *Miscellanies*, and *Foord* on *Psal. 68.* thinks, the most skillfull in the Hebrew tongue, and that he hath written the best Dictionary either for significations or etymologies.) Is only in the minde that is properly *Noah* that was so called: And derives *Ianus* from *Iaijn vinum*, from whence he derives *oinos* in the Greek, and *vinum* in the Latine. And so sayes *Mercer*, *quia primus omnium vinum invenisse dicitur.* And that he is Painted with two faces, because *Noah* saw both the age that was before, and that which came after the Flood, both the old and new World. *Petavius* in his *Rationarium temporum*, *Lib. 1. Chap. 11.* Assures us, *Ianus* was the first King of *Italie*, whom according to *Eusebius* computation in his *Chronicon*, he makes to be 1330 yeares before our Saviours birth: From which time he deduces the antiquity of the Idolatrie of the Gentiles, tho' *Iupiter* and *Ianus* too were made Gods, long after their death. He reckones it about that time that *Ehud* was judge in *Israel*. But *Lactantius* in the second Book of his *institutions de origine errorum*, *Cap. 14.* speaking of *Noah*, *unde arguuntur* (sayes he) *qui authorem vini Liberum putant, ille enim non modo Liberum sed etiam Saturnum atque Uranium, multis autecessit ætatibus.* In his first Book *Cap. 13.* He tells us how *Saturn* was hospitably received by *Ianus* in *Italie*; Wherein if he contradict himself *viderint alii.*

alii. But that which is most to our purpose is that of *Ianus* Temple, which as Beaumont a modern Poët sweetly Sings:

*Whose Temple shutt to Romans, did declare
A settled Peace; but open, open warr.*

D. Owen in his Book *de natura Theologiae & progressu Idololatriæ* Lib. 3. Cap. 2. Asserts *Ianus* to have been *Noah* on the same accompts. There is one remark concerning *Ianus*, that I find in many Authors which will very much strengthen the learned *Petavius* conjecture. Particularly *Pompejus Festus de significatione verborum* pag. 34. speaking of the *Chaos*, *ex eo chainein Greci, & nos hiare dicimus, unde Janus detractâ aspiratione nominatur, ideo quod fuerit omnium primus cui primò supplicabant, velut parenti, & à quo rerum omnium factum putabant initium.* And that *Ianus* was first invocat in all their devotions, prayers and Sacrifices, is testified by Saint *Augustine* (out of *Varro*) in his 7 Book *de Civitate Dei*, Cap. 9. As also by *Macrobius* Lib. 1. *Saturn.* Cap. 9. and Cap. 26. and by *Servius* in Lib. 1. *Æneid.* ad versum, *cana fides & vesta.* *Cicero* Lib. 1. *de nat. deor. principem in Sacrificando Janum esse voluerunt.* *Horat.* Epist. 16. Lib. 1. *Arnobius* Lib. 3. *adversus gentes*, does extreemly scorne them for this folie, *Quasi ad Deorum audientiam viam panderet Janus.* So sayes *Aurelius Victor in breviario Historiæ Romanæ.* *Barnabas Brissonus* in his Learned book *de Formulis*, hes told us, that the form of the Heathens more solempne devotion did ever beginne thus, *Iane, Iupiter, Mars-piter, Quirine, Lares.* And *Ovid.* in Lib. 1. *Fast.* Brings in him thus speaking for himself, *ut possis aditum per me quæ limina seruo. Ad quoscunque voles inquit habere Deos.* These that are curious to know more of *Ianus* may consult *Varro* Lib. 4. *de ling. Lat.* *Velleius Pater.* Lib. 2. *Plinius Nat. Hist.* Lib. 34. Cap. 7. *Sueton* in *Nero* Cap. 14. & auctor libri *de viris illustribus* Cap. 13. so *Virgil.* Lib. 7. and 12. *Ovid.* Lib. 1. *Fast.* And Lib. 4. *de Ponto Eleg.* 4. *Pomp. Fest.* in voce *opima* and *sororium tigillum.* As also *Plutarch* in *aitiois.* *Fabius Pictor de aureo saculo*; in all which they may see what several Names, Surnames and appellations and honour, the old Heathenish superstition bestowed on *Janus*.

SECTION II.

And every one Sang Jo to thy praise.

JO was ane exclamation uttering some ravishing joy, especially in the time of Triumphes. So *Ovid* describing the Triumph of *Augustus* over *Germany*, and some add *Tiberius* with him, whom he there calls, *Victores Cæsar uterque*, he adds long after.

*Tempora Phæbea Lauro cingentur Joque
Miles Jo magnâ voce Triumphæ canet.*

This

This was the ordinar acclamation unto the Emperour in the time of Triumph, being carried through the City to the Capitol; so sayes Varro Lib. 5. de ling. Lat. Livius Lib. 21. tells us of an Infant in the Mothers Bellie, that had the same acclamation, but he is known to be superstitiously fabulous. Horat. Lib. 4. Carm. de Triumph. Augusti. Tuque dum procedis Io Triumphæ &c. Idem Lib. Epod. od. 9. Io Triumphæ tu moraris aureos currus. So Tibullus Lib. 2. Eleg. 6. And Ovid. Lib. 4. Trist. Eleg. 2. ut supra. Idem Lib. 1. Amor. Eleg. 2. Martiall Lib. 7. Epig. Vulgus Io magnos clamat tibi Roma Triumphos, where we see he puts it in the accusative. As also Ovid. Metamorp. Lib. 1. Leta Triumphum vox canet, where he brings in Apollo speaking of the Laurell. Alfinus Avitus Lib. 6. ad Fuffinam sororem Cap. 6. Hostibus evictis & Io clamante Triumpho. To Io was ordinarily added Pæan, which as the Scholiast of Aristophanes observes, is a Song or Hymne praying for the ceasing of a war, or preventing of a danger. Scaliger doth learnedly write that Iao and Io are contracted by the Greeks for Iehovah. And its affirmed by many, That Pæan comes from the Hebrew word Panah to behold and look upon. And so Io Pæan will have the force of Iehovah Penoth, Lord look upon us. From Panah comes the Greek phainomai. Vide Rouse, Archaeologie Atticæ Lib. 2. Cap. 2.

Care of Religion is the glorious gemm, Lin. 7.

Aristotle Polit. Lib. 7. Cap. 8. proton he peri theioon epimeleia, makes it the principal part of the Princes office to have a care of Religion. Augustine Tract. 11. on Iohn, per-tinet hoc ad reges seculi Christianos ut temporibus suis pacatam velint habere matrem suam Ecclesiam. Leo primus ad Imperatorem Leonem, debes Imperator instantanter advertere regiam potestatem, tibi non solum ad mundi regimen sed maxime ad Ecclesie præsidium esse collatam. The Evangelicall Prophet foretells that Kings shall be the Churches Foster-fathers, Isa. 49: 23. and 44: 28. Optat. lib. 3. contra Parmen: Augustine contra Crescon: lib. 3. cap. 51. in his 48. Epist. ad Vincent. in his 52. Epist. ad Macedon. in his 61. Epist. ad Dulcit. In all which he largely and learnedly demonstrates it to be the dutie of Christian Princes to have the chief care of matters that concern Religion, affirming, in hoc Reges Deo serviunt, that its for that end Principally God hath bestowed their authority upon them. Isid. Hisp. de sum. bon. lib. 3. cap. 53. Affirmes that the cheife end of secular authority, is to fortify Ecclesiasticall Discipline.

Who adheres to Baal lin. 16. 2 Kings 10: 18, --- 29. Constantius Syr. &c. lin. 17.

Eusebius de vita Constantini lib. 2. pag. 251. The Test was either, they should shew themselves Idolaters, and Sacrifice to the Idols, and so become his minions and favorits, else refuse it, and by that meanes denyed ever after all access to his presence, Sed commento quod calatum erat, statim post patefacto, alios propter sinceram & integram erga Deum mentem approbavit plurimum, alios tanquam Dei proditores, servitio Imperatoris indignos censuit. And a little after, illos qui veritatis Testimonio

(the Test) *digni Deo fuerit comprobati, similes erga Imperatorem fore affirmans stipendarios, & ipsius regni custodes constituit.* Adding, that such faithfull friends are more worthy to a Prince then an Exchequer full of richest treasure.

Sisibut, lin. 19. Isidor. lib. 5. Etym. & Hispan. annal.

Anno 1616. French Dagobert, lin. 20. Paulus Æmilius in Dagobert.

An Appendix concerning *Baal*.

B*aal* so called by the Hebrews, is by the *Carthaginians* named *Pal*, and by the *Affyrians* *Bel*, as is observed by *Servius Grammaticus* and *Fabricius* in his notes on the Christian Poets, and is by interpretation Lord, Husband, and Patron; because the Idolaters do subject themselves to their Idols as Servants to their Masters, Wives to their Husbands, and Clients to their Patrons. This was the most famous Idol in all the East; to whom the Jews by the instigation of the Devil, and instruction of *Balaam*, (*per intervalla*) from the time of the Judges to the *Babylonish* captivity, did homage and worship. To this cursed dance the *Affyrians* first led the Ring. For *Nimrod* (as *Victor Massiliensis* writeth in his third Book) was the first that erected a statue and did Sacrifice to *Baal*, in memorial of the death of his only Son. And *Belus* succeeding him did more violently propagat that monstrous Idolatry, from whom the name *Bel* was given this Idol, amongst the *Affyrians*. And as error has ordinarily a prodigious fertility, and a monstrous Birth (as *Cassianus* observes) sometimes from the different rites of Worship, and different places where, and Persons by whom he was worshipped, received distinct Titles, as also by the benefits ascribed to him by his worshippers. For

1. He is called *Baal-peor*, the God of nakednes or gaping, *Num. 25:3, 5. Deut. 4:3. Hos. 9:10.* and simply called *Pehor*, *Numb. 25. last verse. Ios. 22:17. Psal. 106:28.* The God of the *Moabites*, worshipped on the mount *Pehor*, and by *Hieron. lib. 1. adversus Jovinian.* and on *Es. 25.* supposed to be *Priapus* that abominable and obscene monster. So sayes *Adrichomius* in his *Theatro Terræ Sanctæ*, in *Ruben. Isidor. Lib. 5. Originum, Cap. 11. Theophylact on Hos. 4:9. and Lorinus on Psal. 105. Bucer and Calvin on 105 Ps.* derives it from the *Hebrew* word that signifies to make bare or open, from these shamefull and abominable Practices used in the service of *Baal*. With what artes and inticements the *Midianites* brought the Jews to practise such pollutions, *Iosephus* tells in 4 Book of his *Antiq. 5. Cap.* Now *Baalpehor* is *Baal* worshipped on the Mount *Pehor* *Numb. 23:28.* See *Suidas* in *Belphegor*. Just so was *Inpiter* called *Capitolinus*, and *Olympius*. How the unclean Spirit Triumphed thus amongst the *Heathen*, see *Gerardus Vossius, de Origine Idololat. lib. 2. cap. 1.* amongst the *Romans* was such a monstrous God of uncleanness called *Lupercus*, and *Mutinus*, And amongst the *Italians* *Arcalius*.

*Qualiter in cano obsceno, quantoque reatu,
Deditur hoc ævi quodcunque est?*

Baal-

2. *Paalzebub* or *Pelzebub*, the God of *Ekron*, whom *Ahaziah* consulted anent his health, 2 *King*. 1:2. Because they believed him to have power of lifting or laying on diseases. Also he was over their Store-houses and Butteries to drive away the Flies, others think that the Sacrifices offered to this God, were so infested with Flies, that they gave occasion to this Epithet, especially amongst the Jews who did upbraid them with it, whereas in the Temple of *Solomon* notwithstanding of the great and constant multitudes of Sacrifices, yet there was never any Flie seen to molest them. So in an holy Scorn is the Prince of the Devills by the Jews 12 *Mat*. 24. called *Belzebub*, that is, the God of Dirt: for *Zebul* signifies *Stercus*, i. e., *Deus Stercoreus*; this properly in the *Chaldee* tongue. By *Pausanias* in *Atticis*, he is called *Myiodes*, that is *Iupiter Muscarius*, and *Lilius Giraldu* in *Syntagmate 2 de jove*, proves at large to be that same *Iupiter* that other nations worshipped. See *Plinius lib. 29 cap. 6.* and *lib. 8. cap. 29.* and *lib. 10. cap. 28.* called *Achor* from *Ekron*. But which is most considerable the septuagint in 2 *King*. 1. and 2. hes *Baal Myian* the Flie-God. Who to the *Ekronits* was their *Æsculapius*.

3. *Baal Phegor*, that is, the God of *Carcasses*, 2 *King*. 19:35. They were all dead corpses. Its that same word *Phegor*. Otherwise called *Molech* a Prince, for its all one, as may be proven from *Amos* 5:26. This was the God of the *Phenicians* as *Ennius* hes it, *Pœni sunt soliti fos Sacrificare puellōs.* And *Silius Italicus* turns it.

*Mos fuit in populis quos condidit advena Dido
Poscere cœde Deos veniam, ac flagrantibus aris
Infandum dictu! Parvos imponere natos.*

The Ancients generally call it *anthropothusia Phenicia*; which *Achaz* and *Manasses* the *Israelits* did Imitate. The reason is given by the Prophet *Mic*. 6:6. and 7. to Pacific, as they supposed, the guilt of their intraged consciences.

4. *Baal Bozor* the God of scattering, and dissipation: to whom they made vows when they went to warr, as the *Greeks* did to *Mars*, and *Pallas*.

5. Was *Baal Berith*; the God of the Covenant. *Iudg*. 8:33. After *Gideon* was dead they made *Baal Berith* their God, and *Iudg*. 9:4. We read of the Temple of *Baal Berith*, and the 9:46. simply called *Berith*. *Gideon* their Governour being gone, they entred in a Covenant to serve *Baal* and forsake their God; this is the *Baal* that is meaned in the body of the Poem.

SECTION III.

Lin. I.

Argo was the first great Ship we read amongst Heathen writers, and was that wherein *Iason* and his Company fifty two in Number, went to *Colchis* to bring away

away the Golden Fleece. It had the name of *Argo* from its Author or first builder, as we call the Ark *Noah's Ark*, or rather if we believe *Cicero Tusculan. quest. lib. 1.* *Argo nominata est quia Argivi in ea lecti viri vecti, petebant pellem inauratam Arietis.* But here its taken appellatively.

(*Cataracts lin. 5.*) A Cataract is properly a violent fall of Water from a steep and high rock, with a great rushing noise, from the Greek *katarasso*, which signifies to fall down head long with violence. We call it a Linn, such as *Carbous Linn* on the Water of *Clyd.* *Plinius* in his 5 Book Chap. 9. speaking of the River *Nilus* sayes, *Cataractes inter occurrentes scopulos, non fluere immenso fragore creditur, sed ruere.* It doeth not so much runne amongst the Steep-rocks as Rush. *Strabo* in his 14 Book: and *Pomponius Mela* in the description of *Pamphilia*, tells us of a River called *Cataracta adeo rapidus, ab alta petra descendens, ut longissime strepitus exaudiat.* Here its taken for a deluge or open flood-gate of rebellion, such as overflowed us lately: and the Waters are not yet fully abated. *Dii talem terris avertite pestem!* The Hebrew word is *Arrabah* which signifies the Flood-gates, as *Gen. 7: 11.* The windows of Heaven were opened. But in the deluge of rebellion the windowes of Hell are opened: For the Devill himself was the first rebell, and by our scattering is his Kingdom gathered.

Lin. 8. (Beawtie and bandes.) In allusion to that of *Zech. 11. and 7.* which the interpreters apply to the Government of the first and second Covenant, Old and New Testament, Jews and Christians, as *Vatabulus* and others: yet here, in a more Politick sence it signifies the Government of Church and State.

Lin. 12. (Isthmus) Is a neck of land on each side inclosed with Seas, whereof we read several in Geographie: in *Aegypt*, *Chersonesus* the *Euxin* Sea and this of *Peloponesus* betwixt the *Aegean* and the *Ionian* Seas where *Corinth* stands; hence it is that *Corinth* is called *Bimaris* both by *Horat. lib. 1. carm.* *Bimarisque Corinthi menia.* And *Ovid. Fast. 4.* *Hadracumque patens late Bimaremque Corinthum.* And *Isthmus* is so called by *Ovid. Eleg. 10. lib. 1. Trist.* *At postquam Bimarem cursu superavimus Isthmum.* Vide *Martiani Capellæ Salyricon Lib. 6. de tercio sinu Europæ pag. mihi 210.* where he hes the Description of *Isthmus* and *Corinth* with *Grotius* notes, which he wrote being but fourteen yeares of age. But *Isthmus* Metaphorically may be taken for any thing that divides betwixt two extreames: And some hes expressed by this word the middle part or bridge of the nose, as *Iunius* in his nomenclatura tells us of some Physicians that so expressed *narium sepimentum.* And the learned *Budeus* in his annotations on the *Pandects* sayes, this word properly signifies the Neck or the wessand of a Man, and by a Metaphore only comes to signifie that narrow part of a continent inclosed by two Seas: from whence sayes he that of *Peloponesus* by an Antonomasie only is so called. And tho there be but five miles distance, yet neither *Demetrius*, *Cæsar*, *Nero* nor *Caligola* who all attempted it were able to break throw a passage. Whence it came into a Proverb, *Isthmum perfodere; in eum qui magno conatu sed irritum aliquid moliretur.* Vide *Plin. Lib. 4. Cap. 4.* *Sueton in Nero Cap. 19. Et in vitam Calig. Cap. 21.* And so generally it is expounded *interstitium, intercapedo.* *Abjenai ire.* The opposite whereof is *porthmos.* Vide *Calepine in voce.*

SECTION IV.

Lin. 9.

*It's non-sence.**That Princes hes no power of subjects conscience.*

C A P. III.

Shewing that the King hes power of the conscience of the subject, and in what sence the same may safely be maintain'd.

FOr clearing this, we must consider these three. First what conscience is. Secondly, what the nature of the obligation is, that binds the conscience. Thirdly, the efficacie of this obligation.

Conscience by the ancients, generally, and more particularly by *Clemens Alexandrinus*, is called *Censor*, *Corrector*, and *Paedagogus animæ*. But it will not be proper here to expatiate much on this subject; I having written a treatise of the nature, effects, properties, obligation, acts and consequence of conscience, in several Sermons Preached at *Libertoun*, on *Act* 24: 16. and *Acts* 2: 37. and *Rom.* 2: 15. which by assistance of God, and good neighbours, I intend shall see the light of the World. It shall only now suffice to tell, that I think it is no Act either of will or understanding, but a proper facultie of the Soul it self; which of all the faculties of man hes received the least hurt by the fall, it even in the breasts of the most unregenerate taking ordinarily Gods part. It may suffice therefore to define it, that facultie whereby application of general knowledge is made to particular actions, followed allwayes with joy or grief: In which sence the Scriptures are not the adequate rule of conscience, otherwayes the Heathen which never heard the Scriptures had had no conscience contrair to *Rom.* 2: 14, 15.

The second thing to be considered, is what it is to bind the conscience, which is brieflie this; to impose a necessity of obedience upon it: so that the sence of the question is, whether or not humane Laws do impose such a necessity of obedience on the conscience, that the contraveining thereof is not only lyable to a temporal punishment, but deservedly also to the anger and offence of God. The difference betwixt mandates and Laws, perpetual and cursorie, constant and accidental obligations, we cannot stand to discusse.

For the third, we must 1. consider, that the power of making Lawes is the prerogative Royal given by God unto Kings, without which it were absolutely impossible for them

them to attaine the ends of Government, and therefore he that said, by the Kings Reigne, said also, by the Princes Decree Justice, that is, ordaines, makes and executes, just and wholesome Lawes. Wherefore King and Law-giver are put together in Scriptures, *1/a. 33 : 22.* The Lord is our King, the Lord is our Law-giver, *Rom. 13 : 1, 2, 3.* *1 Pet. 2 : 13.* shewes what power Kings are invested with, and there is a great reason for it; the execution of the Law being that mean whereby the publick good may both be preserved and promoted, and wherein essentially the office of the Magistrat doth consist, and the difference betwixt him, and his subjects lyes, for which end God confers on the Magistrat *Numb. 11 : 17.* a particular Spirit of Government, *1 Sam. 10 : 6.* Samuel tells Saul that the Spirit of God shall come upon thee, and thou shalt be turned into another man. And this by Solomon, *Prov. 20 : 12.* is called the seeing Eye, as subjection is called the hearing Eare. It was the Magistrat ruling by the civill Law even before it was Christned, to which we are commanded to be subject by the Apostle Saint Paul *Rom. 13.* and Saint Peter, *1 Pet. 2.* And to the Priviledge of the Roman Policie Saint Paul did appeal, *Acts 25 : 10.* All which invincibly infer not only an approbation of the Law being made, but also the Magistrats power in making of it. Neither was this ever denied, but by *Caroloftadius*, and the late rable of Monsters amongst our selves, who would send us from our Laws, as far back as the judiciall System amongst the Jews: tho it be confessed by all to be abrogated, as being only temporary, and accommodat to certaine circumstances of times, places, and persons, which now can have no obligation upon us.

2. These Laws made and promulgat by the Magistrat, are of force to bind the conscience: many both Protestants and Papists are down right against this proposition, affirming it proper to God only to bind the conscience. So sayes Calvin *lib. 3. instit. 9. cap. sect. 15.* And *Sibrandus lib. 8. de pontifice Romano cap. 7. Vasques lib. 1. Illust. contravers. 28. 1.* And these would only have the Magistrats power to reach the body or Fortunes of the subject, all leading, no humane power can go further. To which we oppose these following arguments.

1. A man may bind his own conscience; as is confessed by all in the case of Lawfull vowes, they are in our own power before they are made, *Act. 5 : 4.* But after that, they are Gods bondes, and do bind the conscience to performance. Wherefore that doeth not altogether hold, that God only can bind the conscience. Otherwayes either vowes do not bind, or else no man can ingage himself in them; either of which to affirme is absurd. I find *Alsted. Theol. cas. cap. 2. reg. 2.* to make great use of this argument.

2. In the *Rom. 13.* we learne that Magistrats have power and authority to enact Laws, and therefore they are called powers. 2. That these Lawes of the Magistrat do receive strength and force from the Law of God: for the powers that are (sayeth he) are ordained of God. 3. That the Laws made by the Magistrat have power to bind conscience, *v. 5.* We must be subject not only for wrath but conscience sake. And if we resist them, we resist the ordinance of God, and pull down Gods judgment and bring condemnation on our selves, when we so do, sayeth the Text, *verse 2.* And therefore to contemne the Laws of men, tho not expressly, (for then they are Gods) but virtually contained in the word of God, is to be disobedient to God himself,

3. Consider, that conscience hath relation not to God only, but to man also, *Acts* 24: 16. Conscience both towards God and man, it hath the principal relation to God, as being the absolute binder thereof, yet in and through him to man and his Laws also: For it is to be here remarked, that, at that same instant Saint *Paul* was pleading before ane Heathen Magistrat.

4. We must consider that we are not only to make conscience of Religion and the worship of God, but of civil things also: For tho things that are civil as civil, do not of themselves, and immediatly bind the conscience, yet by vertue of ane higher Law to which they are subordinat and subjoyned; being made by the Magistrat as the Minister of God, and backed by his Authority which is Gods Seall, so they oblige the conscience; and not to performe obedience to such Laws, (as for instance sumptuary Laws made for moderating expence at banquetings or burialls, or in apparel or the like: such as *Aulus Gellius* makes mention of in his 2 Book Cap. 24. out of *Lucilius* the old Poet, and the *Lex Fannea*, *Emilia*, *Ancia*, *Iulia*, &c.) To contemne such Laws, tho in it self be a civil fault only; yet in another respect it is a moral sin (the Law being made) contrary both to Justice, Charity, Peace, Saftey, and Wel being of the common wealth.

5. Who ever resists the ordination of God offends God, but every offence of God is a wounding of conscience: wherefore of necessity it must follow by the Law of contraries that we are bound in conscience to obey the Lawes of man. He is the Minister of God, *Rom.* 13. Gods Legat and Ambassador: therefore what contempt he or his Laws (for both are one, the King being *lex animata* do sustaine from us, it redoules unto God whose Minister he is: And God takes it done to himself what is done to or against the Magistrat. Touch not mine anointed.

6. Every just and good Law flowes from the Law of God & the Law of nature, as the Stream from the Fountain; And therefore hes an Intrinsicke power of direction and obligation as a rule of life and manners: The deviating from which is a sin and consequently a wounding of the conscience: For if conscience be the sence of sin, and fear of judgment as some discribe it, tho rather by its effects then by it essential nature, as else where I shall make evident: then it is certain whatever induces to sin concernes conscience, and brings along with it the fear of judgment; but violating of a civil Law does infer sin; for every particular breach is a violation of the general Law of obeying the Magistrat, and becomes a morall sin against the fifth Commandement. Therefore by the rule of contraries the civil Law doth infallibly bind and inevitably oblige the conscience.

7. Every Law is either contrary to the will of God or conforme to it, every Law is either just or unjust; But herein we must cautiously observe a twofold injustice, either intrinsicke or extrinsicke. The intrinsicke is, when the mater of the Law it self is unjust. The extrinsicke is when a thing intrinsically just in it self may be unjustly commanded and imposed upon me. The first only takes away the obligation to obedience, as dissolving the intrinsicke ty of conscience: for suppose a Prince should command something that in it self were not unjust, meerly to please his own ambitious Tyrannical or covetous humor, that indeed would be unjust on his part; but I and every other subject were obliged to obey, tho he should sinne in commanding, yet I should sinne if I obeyed it not. But on the other hand no humane Laws that on the

matter are unjust, can oblige the conscience, for it is better to obey God than man. From whence we may draw this invincible argument, from the intrinsic nature of reason it self, that no man at one and the same time can be obliged to contradictories: but if a man were obliged to performe an unjust Law, he should be obliged in conscience to that, to the not performance whereof the Law of God obliges him. And to performe and not performe are contradictories. Whereas humane Laws in things just, oblige the conscience by a supervenient obligation to the Law of God, for *obligatio prior tollit posteriorem*.

But on the other hand, if Laws be enacted by these who are not invested with lawfull power, then they do not oblige the conscience, no more then a Sentence given by one who is no judge, can oblige the party to performance: for where the power is wanting, the efficient cause of the obligation is wanting also.

8. We must distinguish betwixt a direct and indirect, a mediat and immediat obligation: we doe confesse the Lawes of man do not immediatly and directly oblige the conscience, but by vertue of Gods command requiring to give obedience to the Magistrat and his Laws, under the paine of Gods wrath and displeasure. We are bound to performe civil duties on grounds of Religion; and so humane Laws tho not *qua humane* binds the conscience. Its Gods command binds my conscience to observe mans, as ye see it clearly and expressly, *Eccles. 8: 21*. I Counsel you to keep the Kings commandement, and that in regarde of the Oath of God. It would be a very Fanatick *these*, to affirme, that a Childe is not bound in conscience to do any Lawfull thing which his Father commands him, *Id est, totidem verbis*, it is not his dutie, because perhaps *totidem Syllabis*, it is not contained in the Scripture. But certainly, secundarily and consequentially, with respect unto Gods general command, he is bound in conscience to do that for his Fathers command which he was not bound to undertake without it. See this fully asserted and cleared by *Ursine* in his *Explicatio Catechetica*, quest. 69. And in *Loci Theologici in pree. 2. de cultu Dei*. So *Pareus*, *edicta Magistratus obligant conscientias*. So *Alstedius*, *ut supra*. But above all most particularly and fully the learned Bishop *Sanderfon*, *de obligatione conscientiae*, and Bishop *Taylor*, in his *Ductor Dubitantium*, *Lib. 3. Cap. 1. rule 1. and 5.*, and *Chap. 4. rule 5. Vide Falkner*, in his *Libertas Ecclesiastica Lib. 2. Cap. 1. Section 7. Par. 6.*

But here we must take along with us these three caveats: first it must be acknowledged, that no humane authority can bind the judging power of conscience, so that it is obliged to judge that a dutie which is commanded without having a liberty to consider its lawfulness. 2. The Laws of man does not so illimitedly bind. I must obey God on the bair sight of his will, but I may examine the Lawes of man, whither they be just and equall, and suited to the publick safety, as *Acts 9: 29*. 3. As not so illimitedly nor so immediatly; so neither does humane Lawes so absolutely bind the conscience. For Gods command binds even in Secret, and that perpetually, and to active obedience too: but the Law of man may be obey'd by suffering the penalty, yea in private where there is no scandall nor danger of contempt of authority, I may do the contrary, especially in things in themselves indifferent. Wherefore, when it is said *1am. 4. and 12*. There is only one Law-giver, it must be understood, one only absolute and supream, whose will is the rule of Justice; the Magistrats under

under him being but deputies and substitutes responsible still to their Superior, 2 Chron. 19:6. Take heed what you do, for you judge not for man but for the Lord.

Aquinas handling this same very question *primâ secundæ quest. 96. art. 4.* determines it, as we have done in the affirmative, *iustæ leges humanæ obligant homines in foro conscientia, ratione legis æternæ à quâ derivantur.*

9. Therefore, any Law of the Magistrat that wants the Authority of Gods Law to confirm it, is null, and ought not to be obeyed. But being a thing or matter indifferent, the Lawfullness of it is determined to me by that particular Law, which is derived from the general Law of obeying these in Authority. Yea even these same things in case of scandal, will bind us to obedience, tho not in case of conscience simply considered, as is clear in our Saviours paying Tribute, *Mat. 17:27.* Rather then any scandal should have arisen. So *Abraham* gave *Lot* his choice of the Country, tho he might otherways have disputed his right.

The last is the efficacy of this obligation; and it arises from the nature of conscience itself, which being so intimate with every man, so important an enemy, and so worthy and true a friend, a faithful admonisher, a sad accuser, a severe witness, an uncorrupt judge, considering that it accuses to him, who is the dreadful judge of all the Earth, whose wisdom cannot be deceived, nor his Justice bribed or corrupted; the Execution of whose Sentence can neither be suspended nor avoided, so that upon the one hand this meditation obviates all grounds of rebellion, discontent, pride, ambition, covetousness and hypocrisy, and overawes a man in the first rise of these corruptions, destroying the Cockatrice in the Egg; so on the other hand, it manifests, that horror and anguish must be a Traitors portion both here and hereafter.

(His opprobrious Kirk) of King *James* its known to all that knows his Historie, how opprobriously the Kirk-men used him; not only molesting and contemning, but counteracting him on every occasion. When he appointed a Feast, they appointed a Fast, & *à contra.* And after all their Pranks, they openly scorned to answer his tribunal, contrary to the practice of Christ and Saint *Paul*, both before Jews and Heathen Magistrates. But alace Christ and Saint *Paul* were both Episcopall. The jurisdiction of their Kirk was Paramount to all his decrees: Yea in his *Basilicon Doron* he tells how they persecuted him even before he was born, & all along till he came to the Throne: And when he was gloriously seated there, the only Eclipse of his glory was from the Kirk. One passage whereof I cannot omit, which will indeed justify my Epithet of that Kirk. *Crebra adversus me in concionibus calumniæ spargebantur, non quòd crimen aliquod designassem, sed quia Rex eram, quòd omni crimine pejus haberetur.* That they constantly reviled and reproached him, not only in their private conventicles, but in their publick Preachings, not for any crime he had done or intended to do, but because he was a King, which in their opinion was the worst of all crimes. And this they made evidently appear in the Person of his Son, that incomparable Prince and blessed Martyr, of whom we may say according to the Letters on his Coffin, *C. R. I. Clementia Religiosa interfecit.*

Here lyes the only King since Christ did die,
Was murdered for his pious clemencie.

It was they broke his Scepter in pieces, by throwing the Militia out of his Royal hands; that tore the Crown off his head; baffled his Supremacie; barrd him the very liberty of his conscience in the point of Church Government, which he believed and strongly defended, to be *jure divino Episcopali*. And would have him to acknowledge himself guiltie of all the blood they had spilt. And after they had hunted him like a Partridge on the Mountains, at last surprized and murdered him in his own House. It was the Presbyterians held him by the Hair, as he who wrote the History of Independency well observes, till the Independents (a kind of *Synonymous* word for one thing) cut off his head.

*Pudet hæc opprobria nobis
Et dici potuisse & non potuisse refelli. Ovid.
We're sham'd that such a Tainture should be laid
Upon these Lands that cannot be gainsaid.*

Sandys Ovid. Met. 2.

Lin. 10 (Ioyned with Sovereignty) so Diotogenis Pythagorici verba apud Stobæum, *anagkaton teleion basilea strategonte agihaon hemen kai dikasten kai hi rez.*

Lin. 11. (So Numa) Livius lib. 1. De Numa tum sacerdotibus creandis animum adjecit, quanquam ipse plurima sacra obibat. And a little after, *Flaminem Jovis assiduum sacerdotem creavit: Julius Cæsar Pontifex maximus fuit; Suet. in Julius Cap. 13.* And Augustus Suet. in Octavius 31. *Pontificatum maximum suscepit: And a little after, Sacerdotum & numerum & dignitatem sed & commoda auxit.*

Lin. 12. (Malabar in the East) Ferdinandus Lopez Lib. 1. *Histor. Indicarum.* But to come nearer home, the learned Doctor Baser in his Book of the liberty of the Brittannick Church, in that part that he hes from Father Barns, makes it out from Authentick Chronicles and Histories, and statutes also within themselves, that the Kingdom of England hath been ane entire Empire Governed by one head, supream both in spiritualls and temporalls. And this he makes out by eighteen severall instances in statutes by Kenulphus, Edward the Confessor, Edward the first, the third, the fourth, Richard the third, Richard the second, justifying the Act of Henry the eight; That it was according to the ancient supremacy of all the Kings of England over all Persons and in all causes whatsoever, aswell Ecclesiastick as temporal.

Lin. 20. (Mishpat Hameleck.)

C H A P. IV.

What is the meaning of the Mishpat Hameleck amongst the Jews, the jus Regium: or the nature of the Prerogative Royall.

What this *Mishpat Hameleck* was, I find it mightily debated amongst the learned: some will have it to be *jus Regium*, others only *consuetudo Regia*, the one the allowance and ordinance of God, the other the Usurpation and Tyranny of man, the greatest blessing or scourge that either the mercy or Justice of God sends to mankind. The first and chief place we read of it, is 1 Sam. 8: 11. where we have it translated the manner of the King, in Dent. 17: 16. we have the Kings power and Prerogative

rogative described by God himself, but it is not termed there the *Mishpat*. And how to understand it here is thought a very knotty and puzeling difficulty: The perplexity whereof lyes in this, that either de jure, the Kings of *Israel*, and in them all other Princes ought to do after the manner there described; But this we see is directly contrary to the duty of a King prescribed by God himself in *Deut. 17:16*. He shall not multiply Horses, but here in *1 Sam. 8:11*. we have mention made of Chariots and Horse-men in multitudes, which cannot be without multitudes of Horses, *Deut. 17:17*. Ye shall not multiply Silver or Gold: but here *verss. 14, 15, 16*. He shall take your Fields, Servants, your Vine-yeards, your Cattell, and dispose of them to his minions and attendants: *Deut. 17:20*. He must not be proud; but here *v. 17*. All must be his Servants and run and walk as he pleases, *Ezek. 45:9*. Take away your exactions from my people. And *Chap. 46:18*. The Prince shall not take of the peoples inheritance to thrust them out of their possessions: Here we find the quite contrary. Their Fields, their Vine-yeards, their Sones, their Sheep, their Servants and all to be disposed of by him at his pleasure. Yea by the Law of God the *Levites* were to have the tenths as peculiar to them.

On the other hand, if it be said, that it only contains a prediction, that *de facto* they should be so treated by their Kings, on the quite contrary, we do not read in all the Books and Chronicles of the Kings of *Judah* or *Israel*, that they did proceed thus farr as it is here exprest. Yea even *Achab* that was one of the most wicked amongst them all, a man that sold himself to work wickednesse, yet he did not take *Naboths* Vine-yard by force, *1 Kings 21:25*. but by *Iezabells* craft, and wicked Policy, it was pretended to be legally Forfaulted; tho the taking away of Vine-yeards is expressly mentioned here as a part of the *Mishpat Hameleck*, or the *jus Regium*.

This difficulty has being looked on by a great many learned men, so inextricable, that it hes made them think, that God is only here describing the manner of the Heathen Kings that know not God, that so he might deterr them from seeking a King; or at the least that he was angry that they sought such a King as the other nations had, not such a King as God allowed them, as was described in *Deut. 17*. but this is expressly against the very words of *Deut. 17:14*. likeas all the nations have about me. Others are of opinion that he describes not here what Kings should or may do, but that they ordinarily degenerat into Tyranny, and this is their Custome so to do. And we see the word *Mishpat* is many times translated Custome and manner, *Judg. 18:7*. Carlessly after the manner of the *Zidonians* *Pemishpat*, *Gen. 40. vers 13*. Former manner when thou was buttler, *Exod. 21:9*. *1 Sam. 27:11*. *2 Kings 11:14*. *2 Kings 17:29*. *Psal. 119:131*. As thou used to do, in the originall is according to thy manner and Custome. So that the Custome of Tyrants (say they) is only here described. Of this opinion is *Bartoldus de regimine civili Num. 4*. *Bodinus de Republica Cap. 10*. *Melancton in Philosophia morali pag. 197*. *Brentius Hom. in 1 Sam. 27*. *Osiander h. l. Pezelius part. ult. object. pag. 999*. *Zepperus in explicatione legum Mosaicarum Lib. 4. Cap. 8*. *Tossanus in notis, hoc loco: Rossius de Christiane Reipublice potestate supra reges Cap. 2. Com. 103. and Hunnius in resolut. disp. vol. 1. pag. 73*.

But with reverence to so great authority and so great semblance of reason *nullius in additus jurare in verba*, I take leave to dissent, and that I may more clearly expresse

my

my own opinion, I premit these two distinctions. 1. We must carefully distinguish betwixt a Kings Crown and his covetousnesse. If any covetous Kings there be, they certainly are the perfect emblems of miserable happiness, and rich beggary. But say, a King out of an avaritious lust should gripp the goods, and seaze on the possessions and Lands of his Subjects for his own private Interest, certainly he doeth Tyrannically and unjustly: but if, for the safety and advantage of the common wealth, this is one of the rights of the Crown, to make use of the subjects goods for that end.

2. We must also distinguish betwixt the manner and measure of the thing, and the thing it self. The King may for the necessity of the common-wealth, and peace and safety of the subject, exact their service and goods, if not done in a violent manner, nor exacted in an exorbitant measure, not for his own private gain and advantage, but for the good of the community whereof he is the head. Now in such a case all things that belongs to the subject, they belong also to the power and authority of the King, and he may make use of them, observing that due measure (in the necessity or advantage of the community) by his prerogative Royal, without incurring the odious name and imputation of a Tyrant. This is *Lyra's* judgment in his Commentarie on this place of *Samuel*, as it is Lawfull (sayes he) for a man to cut or mutilat himself, to cut off a Hand or a Legg, for the preservation of the whole body; so may a King Lawfully make use of the subjects wealth in the time of necessity. And this I take to be the proper meaning of the *Mishpat Hameleck* in *1 Sam. 8: 11*. That a King not only *de jure* may, but will in case of necessity require the goods of his subjects without any suspicion of Tyranny or oppression: And my arguments for this my opinion are.

1. Because as I find the word *Mishpat* translated here, and else where, manner and Custome, so I find it also oftentimes translated Judgment, Statute, Law, or Right. Judgment or Right from *Shapat*, *judicavit*, therefore may be translated the Kings Right or Prerogative Royal, for this is its most proper signification, as its original imports, so *Judg. 16: 31*. He judged *Israel* twenty years, *Id est, Rex erat qui jure & justitia vindicaverat*: As *Buxtorf* on the word *Shapat* pag. 838. And so in many other places there cited, to which I referre the doubter. And the word *Mishpat* is taken many times so, *Psal. 105: 5*. *Ier. 4: 12*. *Psal. 72: 1*. The word signifies both the Sentence of a Judge and the Right that is done to a man by that Sentence, as is observed by the excellent *Drusius* on *Joel 3: 2*. This being its most proper signification, but the word Custome and manner but Metaphoricall, there is great reason, we should rather read it the Kings Right, and accordingly the *Vulgar* hes turned it *jus Regis*: And *Iunius* and *Tremellius*, *1 Sam. 10: 25*. which we call the manner of the Kingdom, hes turned it *jus Regni*, so we read of a place *Gen. 14: 7*. called *Enmishpat*, the Fountain of Judgment, as the King may properly be called. And the septuagint turns this *Mishpat* into *dikaïoma tou basileos*; which word *dikaïoma* if we beleeve *Beza* on *Rom. 1: 32*. will signifie sometime *legem naturæ, vel jus gentium*.

2. Consider we, what it was the *Israelites* sought, it was not a Tyrant but a King, *Rescripta sunt interpretanda juxta petita*, according to the rule in the civil Law, except we would say of God according to that *Mat. 7: 10*. when we Ask a

Fish

First, he will give us a Serpent which is horrid blasphemy.

3. Why should *Samuel* say, this was the peculiar maner of Kings? Is not this the custome of any other judges and Magistrats as well as of Kings, to degenerat some times, and be Tyrannical? as we see what *Iotham* sayes of *Abimeleck* *Iudg.* 9:14. That he was become a Bramle in stead of a Vine. See also what was said of the Sons of *Eli* and *Samuel*, that were no Kings, *1 Sam.* 2:16. That they turn'd cruel, Tyrannical, Base and oppressive, so that men abhorred the Offering of the Lord, *1 Sam.* 8:3. Its said of his Son that he turned aside after *Lucre*, took brybes and perverted judgment. Why then should this be called the maner of Kings only, since it's also incident to inferior Magistrats, and perhaps much more?

4. I would gladly know, if by the maner of the King and Kingdom, *1 Sam.* 8. verff. 11. and 10. and 25. Any thing that is unjust and unlawful be mean'd, as Tyranny and oppression, as in their opinion the words must needs importe. Do they think that the excellent *Samuel* should have taken the paines to have written these unjust Laws in a Register, and laid them up beside the Ark of the Covenant? Or rather if we believe *Iosephus* lib. 6. *antiquit. Iud. Cap.* 5. in the Ark it self, for a perpetual memorial. Nay he is so just a judge, would have rather caused burn and destroy all these monuments of iniquity: Wherefore this *Misshpat* *Hameleck* cannot be rationally supposed to involve any Tyrannical exactions or oppression of the People, as they expone it. *Samuel* to make a Law for oppression, a man both wise and holy, and to consign it to that publick and holy repository, being a monument of iniquity, to preserve it to the knowledge and use of the posterity, I hope scarce any sober man will be induced to admit it amongst the least atomes of his belief.

5. I would know in effect, if *David*, *Salomon* and all the rest of the Kings of *Judah* and *Israel* did not all this that is here exprest; And yet no where, are accused of Tyranny. Had' not they their Tables in times of peace, magnificently and splendidly furnished, which is intimat here by taking their Sons and Daughters to be confectioners and Cooks? Had not they in time of war their Horses, Chariots, Footmen, and Captains, and Souldiers of all ranks? And what disparadgment is that, to be the Kings Servants, who himself is the representative of God unto us? And by the way we have a remarkable instance of this in *Salomon*, who *2 Chron.* 9:25. Is said to have had 4000 Stalls for Horses, and the *1 King.* 4:26. He is said to have had fourty thousand Stalls for Horses; the word translated *Stalls* is different in the Original, yet only a *Iod* added: And signifies either a particular standing for one Horse, or else a Stable having in it many such standing places. Tho I have heard some Fools bogle at this, yet it may be reconciled, considering 4000 Stables with ten Stalls a piece, and each holding ten Horses will make just fourty thousand. We read also *2 Chron.* 1:14. He had 1400 Chariots, and 12000 Horse-men that attended him in State. But consider with me, what a laborious and vast work he had in building of the Temple of God, and of his own Palaces? And how many Horses that great work would need? And how many Queens and Concubins he had, and what a number of attendants both of pride and necessity they would require? Or consider also, how provident, so wise a man would be in case of warr: In which case we read the *Philistins* brought to the Field *1 Sam.* 13:5. thirty thousand Cha-

riots, and would *Salomon* think you be behind with them, on these considerations? It had been unjust to have imputed that to *Salomon* either as Tyranny or oppression: But certainly rather it was the *jus Regium* his prerogative Royal, to have and main-
taine them. And altho in the most strict sence, these things be the Kings preroga-
tive, yet good and gracious Kings make use only of their prerogatives as Christ did
of his Miracles, meerly in cases of necessity, and for the publick good, to which
they will make their Pomp and State subservient.

*Omne culmen attingit
Virtutis altæ, qui timeri se timet;
Amore fidens, qui patrem se non herum
Studet Vocari. Baudius.*

And for these passages of *Ezekiel*, of *Achab*, and the tenths bestowed on the *Levites*; they are easily answered by what is said allready. For 1. that of *Ezekiel* is, thou shall not take away the possession of the subject, by oppression; not, in case of necessity, and conveniency of State. Therefore *Ezek. 44:9.* what in one part of that same verse is called exactions, in the other it is called violence and spoile: There exactions being neither with justice nor moderation, *Ezek. 46:18.* Its also clear as the Beames of the Sun, the Prince shall not take the inheritance of the People by oppression, which is expressly added, importing in point of necessity, he may do it, and be neither Tyrant nor Robber: For *Achab* all the World knows it was only his lustfull and covetous humor he gratified, not minding the benefite of the common-wealth. And for the tithes of the *Levites*, Its known that it was not a ceremonial precept, but morall founded on the judgment of right reason, according to the Law of nature it self. And therefore cannot be in it self unlawfull, nature teaching us that a publick Person should be served of the publick. And therefore tribute *jure divino* belongs to the publick Magistrat, *Mat. 17:25.* and 22. and 15. *verff.* Therefore all things both Sacred and civil must be serviceable to the publick benefit. This I take to be the true meaning of this *Mishpat Hameleck.*

But if we speak particularly of the prerogative Royal, *Iustinian* makes it to consist in these three, the power of things Sacred, the power of the publick good, and the power of denouncing warr. *Bodinus* in his Book de *Republica lib. 1. cap. 10.* extends it to these five, 1. The power of making and abrogating Lawes, 2. Supremacy of jurisdiction, from which can be no appeal, 3. Power of establishing all inferior Magistrats, and Officers of State, 4. Imposition and exaction of tribute, 5. The power of warr, To which *Arniseus* adds the right of publick wayes, navigable Rivers, mines of Gold and Silver, and any thing that hes no particular owner, that it should belong to the common Master; as hunting, confiscation, coyning of money, *Arniseus lib. 2. de jure Majest. cap. 1. n. 8.* Neither will any that remembers we swear in the Test to defend the Kings prerogatives (we hope) think this digression impertinent: To which we shall add the Golden observation of *Chrysostome* upon *Rom. 13.* That to leavy money, and exact stents for the publick good is the peculiar prerogative of the Crown; and therefore sayes he, the Apostle sayes not, give tribute, but *vers. 7.* render tribute, render Custome, *non dicit date but red-
dite*: For the subject *nihil gratuito dat, debitum siquidem est res ista: quod si non
feceris*

feceris perfidi poenas dabis. The subject gives nothing to the King; its debt, which if he refuse, he deserves to be punished as a false Traitor.

But to speak yet more particularly of the Royal prerogative in the most part of all Nations: We begin with the Jews whose Royal prerogative (as we have seen) is set down particularly in *Deut.* 17. and *1 Sam.* 8. tho contradicted by learned men; to whom forecited we are not yet afraied to add *Saint Gregorie*, *Cajetan*, *Abulensis*, and *Vatablus* on the place, and even *Aquinas* too, who in his Book *de regimine principis* Cap. 11. is expressly against our interpretation, and in his *Summis*, *primâ secundâ quest.* 6. *Art.* 1. in answer to the fifth objection. *Illud jus non debebatur Regi ex institutione divina, sed magis prænuñciabatur usurpatio Regum qui sibi jus iniquum constituunt, in Tyrannidem degenerantes & subditos deprædantes.* But considering that the most part of Papists are ill affected towards all Kings, as well as our Presbyterians, the one making the Pope their Presbytery, and the other the Presbytery their Pope: Therefore all our Fanatick writers, as *Lex Rex*, *Didoclavius* and the rest, hes all their arguments from Papists; yet we hope, we have said als much for our opinion, as will abundantly satisfie any sober and intelligent Reader.

To come then to particulars, we find the Law of the prerogative Royal amongst the Jews, after that ancient one established by God himself and promulgat by *Moses* and *Samuel*; als fully and als amply (as can be) constitute in the Person of *Simon Macabeus*, *1 Macab.* 14. chap. from 41. to the 45. Wherein is contained the Sanction of the Law. And the prerogatives are reckoned out to the number of twelve, which at more length may be there seen, and corresponds much with our own, one or two only excepted. Neither may it be objected, he was their Captain only, and not their King: For his posterity did assume both the Title and Estate of the King without any innovating of these prerogatives, as is known all along their Historie. But more particularly, what the Royal prerogative amongst the Jews was, both before and after that, may be more fully gathered from the writings of *Iosephus* against *Appion*, and from his antiquities; from *Mennochius*, *Sigoneus*, *Bertramus*, and *Cuneus*; to which we may add the most part of the writings of *Hottingerus*: all which have written fully and learnedly of the Laws and Customes of that Republick, but especialy in his *Smegma Orientale*, and *Epitome utriusque juris judaici*.

The Royal prerogatives amongst the Romans, are fully described by *Dionysius Halycarnassæus*, *lib.* 2. which were agreed upon (as he sayes) betwixt *Romulus* and the People of *Rome*, the care of Religion, and the Laws; The convocating of the People and the absolute power of warr, with many others there to be read: which still continued till the time of *Tarquin* the proud, who contemning these decrees and ordinances, was deprived of his Kingdom, and banished the City. What it was afterwards, may be known by *Suetonius*, after the death of *Iulius Cæsar* in *Tiberius* Cap. 30, 31, 32. And *Tacitus Annales*, especially the first Book. And afterward in proesse of time, how they were increased and established, may be seen in the Commentaries of *Claudius Rangolius*, *ordinis minimorum S. Francisci de Paula* (who hes described them in a collection from *Hottoman*, and *Ca'vin* Lawyers) on *1 Sam.* 8: 11. Yea the *lex regia*, as he there writes, gave a kind of infinit power to the Emperours, in all things that concerned the prelvation or amplification of the

the common-wealth. To whose writings we may add what has been written by *Scrivenerius* his *Respublica Romana*, and *Lipsii Roma illustrata*, and by *Dion*, *Appianus*, and *Pollybius*, the Greek Historians; of whom it must be observed, that they wrote the *Roman History* far more impartially than any *Roman*.

3. For the Greeks their prerogative Royal, to wit, of the *Lacedemonians*, it is fully described by *Halicarnassens* in his 5 Book.

Of the *Macedonians* by *Quintus Curtius* in his sixth Book of the wars of *Alexander*, anent the death of *Philotas* *Parmenio's* Son.

The Royal prerogative of *Agamemnon*, and other Princes of *Grecia*, may be collected from *Homer*. And of the whole Greeks, both their History, and Privileges may be gathered from *Pausanias*, and *Plutarch*, especially in the lives of *Solon* and *Lycurgus*; and his Greek Questions. But most elegantly and compendiously written by the learned *Ubbo Emmius de Græcorum rebus publicis*. And from *Postellus de Magistratibus Atheniensium*. To which may be added *Meursii Athenæ Nicolai Damasceni Historia*.

4. The prerogative of the *Egyptians*, *Assyrians*, and *Persians*, may be collected out of *Herodot*, and *Zenophon*, and *Diodorus siculus* his 2 Book, Cap. 3. But above all out of the learned *Briffonius de regio Persarum principatu*.

5. The prerogative of the *Germans* out of *Tacitus de moribus Germanorum*.

6. Of the *French*, out of *Cæsar de bello Gallico*, lib. 7.

Out of all which by a judicious and serious Reader might be collected a full complete Volume of the prerogatives of all Nations: Which if it be yet done, in whole, or in part, I know not; Only I could wish this would animate the generous attempt of some learned head: but this being the work rather of a Lawyer, than a divine, and not belonging to our design but by way of annotation, and digression, Let these few remarques suffice.

An Appendix concerning the Kings Treasure, as a consequent of his Prerogative.

HE that walks on the Battlements of Sovereignty had need of some massy weight to keep him steddý. A poor Governour (as *Euripides* sayeth) being a scorn to Authority, and a burden to the People. Wherefore in all ages to support their Prerogative either in peace or warr, it has been the laudable Custome of all Kings to masse up a great store of treasure. Hence nothing so celebrated amongst all Authors as the *Gaza Persica*, *Quintus Curtius* in his 5 Book describes it, and *Isod. lib. 20. 9.* and the 70 retain ordinarily the word *Gaza*, as *Esth. 4: 7.* *Haman* vow'd to pay ten thousand Talents of Silver to the Kings treasure, which in *English* money will amount to three millions fifty thousand and seven hundred pounds, ô Pride! O Revenge! How dear guests are ye? *Pomponius Mela* in his first Book of Geographie confounds *Gaza* a Town in *Palestin* with *Gaza* a treasure, or at least sayes he, the one had the name from the other, not considering, that *Gaza* a Town with the Hebrews is written with *Hajin*, a treasure with *Gimel*. In the Scriptures also we read of the treasures of *Egypt*; The treasures of the Kings of *Israel* and *Iudah*, *2 Kings 18: 15.* and *20: 13.* and *39: 2, 4.* *2 Chron. 36: 18.* *Ezeck. 28: 4.* *Dan. 11: 43.* *Neh. 13: 12.*

The

The Latine word *Thesaurus*, imports the providence of a Prince, *eis aurion tithenai*, to lay up something for to morrow. See *Scaliger* derives *aurum*, from *oorein* custodire. They have other two words also, *Fiscus*, And *erarium*: But with this difference (as *Budeus* observes) that *erarium* is *pecunia publica imperii*, but *Fiscus* is *pecunia Imperatoris*. *Fiscus a Fisū: quod eo ad vitam degendam subsidio, homines fidere soleant.* As in the Hebrew, *Mammon* from *Emunah*, *Fides*. The word *erarium* is from *æs*, *æris*, because the first money used by the Romans was Brasse, as *Plin. lib. 3. cap. 33.* and their casting their Accompts was likewise with Brasse pieces, which we call Compters, called by the Ancients *æra*. Of this way of compting, and of the *æra* a Reckoning, see *Scaliger de emendatione temporum lib. 5.* Where he alleadges what they called *æra*, we now call *item*. The Scripture makes mention not only of the treasures of Heathen Princes, as *Exra 5: 17.* and *6: 1.* But also God allowed a treasure in his Church *Mark. 12: 41. Luk. 21: 1. Ioh. 8: 20.* These things spoke *Iesus* in the treasure. What this treasure was ye will read it explained by *Shindler* in his *Lexicon* in the word *Lishkah*: and by *Caspar Waserus* who has written learnedly on that subject *de pecuniarum repositoriis*. Amongst Politicians the question is not of the Lawfulness, but of the expediency of Princes treasures. Some court-flatterers, with the fox in the fable, intending to cheat the crow of his cheefe, they will tell the Prince that his glory stands rather in his bounty, then his baggs; and will confirm it by the examples of *Alexander* and *Cæsar*, who by their generous and oblidging liberality did atchive great matters, that *Sardanapalus* left ten millions to them that murdered him, *Nero* gave above 12 millions to them that flattered him, which gifts *Galba* afterward did revocke. But they consider not, that these great and warlyk Princes as *Alexander* and *Cæsar* were liberal, rather out of the spoils of their enemies then their own treasures. But it is certain that a Prince that is not this way provident, shall never be able to defend his prerogative, and maintain his right, but fall under contempt and danger, the effect of Poverty; as by many pregnant instances might be proven. See a treatise, intituled *Englands treasure by forraign Trade*, by *Thomas Mun*, *Londoner*.

Appendix 2. Concerning a peculiar Prerogative.

THERE is a peculiar Prerogative mercifully and miraculously granted by God, unto some Princes, as to the Kings of *Brittain*, and some say the *French King* too, to heale that disease *Scrofula* commonly called the *Kings evil*. So *Plutarch* in the life of *Pyrrhus* affirms, that he cured all these that were diseased of the *Spleen*, with a touch of his foot only. And *Swetonius* in *Vespasian Cap. 7.* makes mention, that a blind man, and a crooked at least *debili crure* (as he speaks) were both restored by the Emperour to intire health; the one, by spitting in his Eye; the other, by a touch of his Heel. (So divine a prerogative hes but the touche of the worst part of a Prince.) Which made not only a confirmation but an accession both to his Majesty and authority. And that Princes by vertue of their Office, are indued from Heaven with a Sagacity more then ordinary (as in King *Iames's* finding out the powder plot) is consented to, by all interpreters, to be *Solomons* meaning in *Prov. 16: 10.* a divine sentence, some reads it, *Prophefie* or *divination*. See *Petrus Molinaus decus illud Theologorum* as *Spanhemius* calls him, in his 1 Book *de præcogni-*

itione futurorum Cap. 20. Where he not only brings in the instance of *Solomon* deciding betwixt the two whoors, but of one *Ariopharnes* King of the *Thracians*, who when the King of the *Cymmerians* was dead, and three contending for the Succession, all pretending to be Sons to the defunct, (whereas it was certain he had left only one Son) being elected Arbiter of the contention, commanded the body of the dead King to be hanged on a Tree, and appointed the three to shoot with Arrows, and who came nearest to his Heart should obtain the Kingdom; the first shot through the Shoulder, the next through the Arm, the third abhorring so unnatural an experiment, was content rather to lose the Kingdom than to mangle the Corps of his Father: And to him he adjudged the Crown; the Story is in *Diodorus Siculus*.

By *Ezekia*, *David*, *Solomon*, all which ye will see cited and cleared, from their particular places of Scripture, by *Seih Ward* Lord Bishop of *Sarum* his Sermon before the King, against resistance of Lawfull powers, the first of his six Sermons Printed Anno 1672.

CHAP. VI.

Concerning *Melchisedeck* who he was.

Great has been the toil of learned Men in all ages both Jews and Gentiles, to loose this knot, and some after all their labour, have concluded the mystery not only profound, but incomprehensible, alleadging, where the great Apostle makes difficulty the preface, it is fit for them to make dispair the conclusion. *Heb. 5:11.* *Gesnerus* in his Commentaries on *Gen. 14 quest. 3. pag. 307.* tells us of one *Copresan* Abbot in *Scythia*, who observing his Disciples to contend much about this same controversie, pronounced a woe on himself, for searching so much in it. *Saint Ierom. 3. Tom. Epist. 136.* speaking of it, sayes, *Si vas electionis stupet ad mysterium, & dum disputat ineffabile confitetur, quanto magis nos vermiculi & culices, solam debemus scientiam inscitiae confiteri.* Mr. *Bailly* our Countrey-man, in the first Book of his *Chronologie. pag. 18.* *Quis mortalium hic fuerit, frustraneus est curiosissimorum labor inquirere;* and ends his discourse of him, *Neceesse est desinant homines in lucem velle protrahere, quod Deus decrevit in tenebris occultandum.* *Rainolds* on *Psal. 110. pag. 462.* I cannot but wonder that men should toil themselves in the dark to find out that, of which they have not the least ground of solide conjecture, speaking of *Melchisedeck*. But yet with all humility following the conduct of the Scriptures by the threed of solide reason, we shall crave liberty to propone other mens Sentences, and to interpose our own. There have been then 7 several opinions, ancient and modern concerning *Melchisedek*. 1. Some have thought that, that whole business concerning him was a mystery known to God only, and should never be revealed to man. 2. Some, that he was some power and vertue of God, greater then Christ the Son of God. 3. Some, that he was an Angel. 4. That he was the Son of God; who in a prelude to his future humanity appeared to the Sons of Men. 5. Some, that he was the Holy Ghost. 6. Some, that he was *Shem* the Son of *Noah*. But the opinion I shall fix upon, is different from all these.

The first is the opinion of *Prudentius*, whom *Gennadius* in his Catalogue *illustrum virorum*

virorum Cap. 13. calls *Poeta Palatinus*, *sed Christianus saculari literatura insignis*: His words are in his preface to his *Psychomach*; *Dei Sacerdos, Rex & idem prapontens, origo cujus fonte inenarrabili, secreta, nullum prodit Authorem sui, Melchisedeck qua stirpe, queis majoribus, ignotus, uni cognitus tantum Deo.* Of this opinion are many other modern Authors, see *Ravanel* in his *Bibliotheca in voce Melchisedeck*.

To which I answer, I darr not be so impudent to obtrude into the World any scribble of mine with that vain glorious and boasting preface, *En rejerata orbi mundi secreta tonantis*: as *Scaliger* observeth of a German in his time. For I must confesse with the great Apostle, that what concerns *Melchisedeck* is hard to be uttered, that is, is both profound and mysterious, *Heb. 5: 11.* Yet this was not the obscurity so much upon the matter, as in the dulness and incapacity of the Hearers to receive so excellent doctrine, otherwise he had superseded all labour of any further explication; and the several sentiments of learned men in all ages are enough to refute this faint and floating conjecture.

The 2. That he was some great power of God greater then Christ, was the peculiar opinion of these *Heretickes* called by *Epiphanius* in his 2 Book *adversus Hereses, Heres. 55. Melchisedeciani.* *Megalen ten dunamin phaskousi, alla kai Meizoteron tou Christou.* *Theodoret. de maleloquentia heretica Lib. 2.* calls them *Griveous Heretickes.* So said *Augustine lib. de Heresibus ad quod vult Deum Cap. 34.* The ground of this opinion was, because its said of Christ, he was to be after the order of *Melchisedeck*: Therefore say they, he was inferior to him in dignity. This *Epiphanius* there refutes, shewing a Servant is not equal to his Master; Christ was God and *Melchisedeck* but a Man. Doctor *Gouge* in his *Lexicon on the Hebrews* shews, that their own argument refutes themselves, for Christ being an High-priest after the order of *Melchisedeck*: *Melchisedeck* was a Type of Christ, and Christ the Truth of that Type, but the Truth is alwayes greater then the Type, and by that expression (as shall be manifested) *Melchisedeck* is so farr from having any prerogative to, that he hes not so much as an equality with Christ.

The 3. That he was an Angel. *A. Sixtus Senensis* in his *Bibliotheca Sancta lib. 5. Annot. 90.* hath observed out of Saint *Ierom.* in his Epistle to *Euagrius.* That *Origen* was the first Author of this opinion, and sayes that *Dydimus* his Scholar was of the same mind, and in his *Annot. 91.* he tells us that Saint *Augustine* in his Book of the Questions on the Old and New Testament *quest. 109.* endeavours to prove that *Melchisedeck* was an Angel, or the Holy Ghost. But *Alphonsus à Castro* in his 10 Book against *Heresies* proves that, that Book cannot belong to Saint *Augustine*: For in his Book of *Heresies* before cited he condemned it for *Heresie Cap. 34.* and no mention made of it in his retractations. But be the opinion whose it will, its easily refused, by the description of an High-priest, *Heb. 5: 1.* That he must be a Man. Neither doth this any way accord to the History delivered of *Melchisedeck*, *Gen. 14.* Neither any where in the whole Scripture is the Priest-hood attributed to the Angels. Besides what a ridiculous prerogative had that been to tell us, an Angell had neither Father nor Mother nor Genealogie. So *Gouge, Slegelius, Tena* and *Molineus de praeog. futurorum Lib. 4. Cap. 11.*

The 4. opinion is, That he was the Son of God. And this *Epiphanius* tells us was the